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Scott Michael Mishkin, Esq.

November 19, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: Morales v. The Riverdale Management Group, Ltd., et al.
24-cv-4474 (KPF)

Dear Judge Failla:

As counsel for defendants, we write with the consent of plaintiff's counsel to respectfully request that this matter be referred to court-annexed mediation and that all deadlines and appearances with respect to plaintiff's Order to Show Cause [ECF 34-35] be adjourned until after such mediation is held.

By way of background, plaintiff filed the Complaint in this matter on June 11, 2024 alleging various violations of the Fair Labor Standards Act and New York Labor Law for defendants' alleged failure to pay wages. [ECF No. 1]. On September 26, 2024, plaintiff filed an Order to Show Cause seeking entry of a default judgment against defendants for failure to timely answer the Complaint or otherwise appear in this matter. [ECF 34-35]. On October 1, 2024, the Court entered a briefing schedule with respect to plaintiff's Order to Show Cause and set a hearing date of December 13, 2024. [ECF. No. 38].

On November 13, 2024, this office appeared as counsel for all defendants. [ECF 40]. After conferring with plaintiff's counsel, the parties have agreed to participate in court-annexed mediation to avoid unnecessary and costly motion practice. Accordingly, the parties respectfully request that all deadlines and appearances with respect to plaintiff's Order to Show Cause be adjourned and that this matter be referred to mediation.

Your Honor's consideration is appreciated.

Respectfully submitted,

/s/ Scott Michael Mishkin

cc: Katelyn Schillaci, Esq. (via ECF)
James O'Donnell, Esq. (via ECF)

MEMO ENDORSED

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Application GRANTED. In light of the above, the show cause hearing scheduled for December 13, 2024, is hereby ADJOURNED *sine die*. All other deadlines associated with the Order to Show Cause are also hereby ADJOURNED. (See Dkt. #38). The Court will issue an order referring this matter to the Court-annexed mediation program under separate cover.

The Clerk of Court is directed to terminate the pending motion at docket entry 41.

Dated: November 20, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE